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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/126,806 07/31/98 ANDREWS R BD-03533

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EXAMINER

BERRY, W

ART UNIT

PAPER NUMBER

3723

7

DATE MAILED:

04/25/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/126,806

Applicant(s)

Andrews et al.

Examiner

Willie Berry, Jr.

Group Art Unit  
3723



☒ Responsive to communication(s) filed on Feb 2, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-12 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-12 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over patent no. 4,860,721 to Matsuda in view of patent no. 5,916,013 to Naumann et al. Matsuda discloses a core (16), backing element (14), and diamond abrasive rim (12). Matsuda discloses the claimed invention except for the specific material and ranges of the core and braze. Naumann et al. teaches that it is known to use an active braze (column 16, lines 22-35) in a grinding machine. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Matsuda to include the active braze as taught by Naumann et al. for the purpose of providing a means to bond the diamond grains to the core. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the specific material and ranges of the core and braze, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice and general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

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3. Claim 11 and 12<sup>u</sup> rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzpatrick in view of Naumann et al. Fitzpatrick discloses a disc-shaped core and an abrasive rim with abrasive inserts. Fitzpatrick does not disclose the active braze. Naumann et al. teaches that it is known to use an active braze (column 16, lines 22-35) in a grinding machine. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Fitzpatrick to include the active braze as taught by Naumann et al. for the purpose of providing a means to bond the diamond grains to the core. The bolts used to mount the abrasive inserts to the core is considered to be an obvious matter design choice since bolts are a conventional means for mounting.

***Response to Arguments***

4. Applicant's arguments filed 2/2/00 have been fully considered but they are not persuasive. Applicant argues that Matsuda in view of Naumann et al. do not disclose a dressing tool for refurbishing the grinding face of a grinding wheel. The examiner feels that this issue is moot because it is not suggested or claimed in applicants' claims.

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***Conclusion***

Any inquiry concerning this communication from the examiner should be directed to Willie Berry whose telephone number is (703) 308-7467.

*WB*

Willie Berry, Jr. :wbj  
April 21, 2000

  
**Timothy V. Eley**  
Primary Examiner